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Andrew M. Walker
President and Chief Operating Officer
1791 O. G. Skinner Drive West Point, GA 31833 706-385-8007
706-385-8801

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January 24, 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA EXPRESS MAIL

Commissioner Kathleen Abernathy
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: *Ex Parte Presentation – Review of the Section 251 Unbundling
Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-
338; Implementation of the Local Competition Provisions of the
Telecommunications Act of 1996, CC Docket No. 96-98; Deployment of
Wireline Services Offering Advanced Telecommunications Capability, CC
Docket 98-147*

Dear Commissioner Abernathy:

Thank you again for meeting with me and other representatives of the CLEC industry last Wednesday to discuss the issues now before the Commission in the Triennial Review. During the meeting I explained the various problems that my company encounters in using UNE-L to provision customers in conjunction with our own switching capacity. This letter and the attached analysis is in response to your request for additional information.

As the analysis clearly indicates, the use of UNE-L to provision residential and small business customers is not a viable option at this time. Even for companies like ITC^DeltaCom that already have switches installed, there is no economic way to serve residential and small business customers without the availability of UNE-P at TELRIC rates.

Sincerely,

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cc: Chairman Powell
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